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State of Montana



Report to the Legislature

June 1995

Performance Audit Follow-up

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Juvenile Justice in Montana

Department of Family Services

Montana Youth Courts

Montana Board of Crime Control

Our original audit findings reported in June 1993 suggested a need for comprehensive management controls and management information throughout the juvenile justice structure. During the follow-up audit, we found recommended improvements to many of the identified areas have not been made. Juvenile justice management is still fragmented and lacks in-depth planning, coordination, and oversight throughout its components.

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Members of the performance audit staff hold degrees in disciplines appropriate to the audit process. Areas of expertise include business and public administration, statistics, economics, computer science, communications, and engineering.

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June 1995

The Legislative Audit Committee
of the Montana State Legislature:

This is our audit follow-up of the performance audit of juvenile justice in Montana. This report details the status of each recommendation. Some recommendations are being implemented or are partially implemented. Other recommendations to the Department of Family Services still need attention. Summary information from the original report is included as Attachment A.

We wish to express our appreciation to personnel throughout the juvenile justice system for their cooperation and assistance.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Scott A. Seacat", with a long horizontal flourish extending to the right.

Scott A. Seacat
Legislative Auditor



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Appointed and Administrative Officials

Department of Family Services

Hank Hudson, Director

Allan Davis, Administrator
Juvenile Corrections Division

Montana Supreme Court

J.A. Turnage, Chief Justice

Montana Board of Crime Control

Ellis E. Kiser, Executive Director

Office of the Legislative Auditor

Performance Audit Followup

Juvenile Justice in Montana

Department of Family Services

Montana Youth Courts

Montana Board of Crime Control

Members of the audit staff involved in this audit were Pam Boggs, Tom Cooper, Angie Grove, and Mike Wingard. Additional information on the audit follow-up can be obtained by contacting the Office of the Legislative Auditor at (406) 444-3122.



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Chapter I - Introduction

Introduction

We conducted a follow-up review of the Juvenile Justice Performance Audit report (92P-28) issued in June 1993. The original report addressed recommendations to various components of the juvenile justice system, including youth courts, the Montana Board of Crime Control (MBCC), and the Department of Family Services (DFS) Juvenile Corrections Division. A summary of the original report is located in Attachment A.

Background

Montana has a juvenile justice structure composed of interrelated, but independent entities: youth court, correctional facilities, parole, and various administrative entities. Youth courts are part of each judicial district. Youth court judges appoint a chief probation officer and deputy officers as required. A combination of local and DFS funding provides for youth intervention and resources for youth treatment and/or placement by the youth courts. Youth may be committed to DFS for treatment and rehabilitation. The Juvenile Corrections Division (JCD) at DFS is responsible for management oversight of juvenile correctional facilities, parole officers, and transition centers. The purpose of the two correctional facilities, Mountain View School (MVS) and Pine Hills School (PHS), is to provide rehabilitation and treatment. JCD parole officers are responsible for supervising youth released from these facilities until formally discharged from DFS. Two parole officers also supervise transition centers in Billings and Great Falls. Transition centers provide a facility for youth on parole who cannot return to their families or other hometown placements or youth who have violated their parole/aftercare agreement.

Montana does not have a single administrative entity with authority to determine roles of the various components and ensure coordination within the current juvenile justice structure. The Governor has appointed two groups to help define program policy and direction of juvenile justice. The 18 member MBCC includes representatives of government agencies and private organizations related directly to prevention and control of crime. In addition to their duties with the criminal justice system, this board is responsible for promoting public safety by strengthening juvenile justice

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coordination and performance. The 17 member Youth Justice Council (YJC) includes local, state, and citizen members, administers requirements of federal legislation and monitors juvenile detention activity. Following our original audit, the Governor expanded the role of this council to advise agencies in juvenile justice policy matters and to address issues of communication and coordination.

Several legislative changes were made to the juvenile justice system during the 1995 legislative session. Significant statute changes were made in the Youth Court Act. In addition the JCD was transferred from DFS to the Department of Corrections and Human Services. This transfer is effective July, 1995.

Mountain View School (MVS) Changes

In 1993, the Center for the Study of Youth Policy examined over 400 youth who were residing in secure care treatment facilities or committed to Pine Hills or Mountain View Schools. Nationally accepted criteria was used to examine Montana's juvenile correction needs. Based on this study, DFS determined 99 youth (25 percent) could have been treated in an alternative program rather than in secure-care. In addition, 184 youth (46 percent) could be more appropriately referred to community programs. The remainder were suitable for secure-care placement typical of the programs at PHS.

Using this data, DFS developed an alternative program to replace the juvenile corrections program offered at MVS. This new program will consist of four major components:

- Observation and assessment (2-4 weeks)
- Intervention (2 month wilderness segment)
- Exploration (1-2 month work segment)
- Integration (2 month aftercare segment).

The department plans to contract with private providers for the second and third components of this program. Youth will be referred by local communities through Youth Placement Committees and/or the Youth Courts. During this audit follow-up, DFS was still in the process of changing the MVS programs. As a result, we were unable to assess the implementation status of recommendations regarding MVS.

Follow-up Objective, Scope and Methodology

Our primary follow-up review objective was to determine the implementation status of recommendations made in the June 1993 performance audit report. Our audit recommendations were directed toward increasing system management by formalizing procedures and increasing coordination between the various components of the juvenile justice system. Follow-up work examined the steps taken to address these areas within each of the individual components. Due to significant changes proposed for the MVS program during the 1995 legislative session, we did not follow up on recommendations made specifically to MVS.

To meet follow-up objectives we performed the following steps:

- Examined DFS development of management controls.
- Reviewed available policies/procedures & goals/objectives.
- Reviewed Pine Hills School (PHS) & transition center files.
- Interviewed central office, PHS, and field staff.
- Attended legislative hearings & advisory group meetings.
- Reviewed minutes from past advisory group meetings.
- Tracked proposed changes through the legislative process.
- Reviewed available management information.

Follow-up Results

The Juvenile Justice audit report included 32 suggested areas for improvement outlined in 23 different recommendations. Recommendations were made to the DFS, the Supreme Court, the MBCC, the Governor's Office, and the legislature. The applicable agencies basically concurred with all the recommendations in the original audit report. The following table outlines the implementation status of each recommendation based on the follow-up work performed.

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Table 1

Recommendation Status
(Based upon current follow-up)

Not Audited	1
Implemented or Being Implemented	9
Partially Implemented	13
Not Implemented	9
Total	<u>32</u>

Source: Compiled by the Office of the Legislative Auditor.

We discuss the status of recommendations in Chapter II of this follow-up. The report summary for the performance audit (92P-28), which outlines the original issues and audit recommendations, is provided in Appendix A.

Conclusion

There were two main issues in the original audit report; lack of management controls and limited coordination between components of the juvenile justice system. To address these concerns, the report envisioned improved management controls within the JCD and more integrated input from youth courts, state agencies, MBCC, and the YJC. The steps identified as critical to strengthening juvenile justice in Montana include:

1. defining consistent policies and procedures;
2. monitoring to ensure program compliance and consistency;
3. compiling data to assess outcomes and make informed decisions; and
4. communicating program decisions and changes to all involved parties to ensure coordination.

During follow-up, we found recommended improvements to many of these areas have not been made. Juvenile justice management is still fragmented and lacks in-depth planning, coordination, and oversight throughout its components. A significant component of the structure, JCD, has not developed a comprehensive management approach to strengthen controls over their program activities.

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Additionally, the JCD has not developed a planning document or work plans which specifically outline proposed division actions or program outcomes.

Other components of the structure could be improved through increased YJC involvement. This council was directed by the Governor to be involved in policy decisions to better coordinate services and more efficiently utilize available resources. Initial steps taken by the YJC established regular communication and formal input on policy decisions. However, the YJC's ability to conduct long range planning has been restricted by the various entities having limited program information and proposed system changes lacking details. As noted later in this report, recommendations for developing useful management information have not been implemented. To address these areas, the council still needs to develop a more proactive role in the juvenile justice system policy and planning process. For example, the council could assess the impact of the statutory changes in the use of Youth Placement Committees on overall compliance with the Youth Court Act (discussed on pages 14-15) or examine youth court and DFS compliance with parental contribution statutes (discussed on pages 10-11).

Issues for Further Study

During the course of this follow-up, we identified two areas within JCD to be considered for further study. The following sections discuss these areas.

Juvenile Detention Activities

The MBCC, in conjunction with Montana communities, established five juvenile detention regions in July 1992. These regions operate a mix of long-term secure, short-term secure (less than 96 hours), and non-secure detention activities. Current statewide secure detention, available in eight Montana communities, includes a total of 28 long-term and 17 short-term beds/cells. DFS is responsible for detention facility licensing and facility staff receive training from the Montana Law Enforcement Academy.

Based on our limited review of detention activity, further study of detention funding and facility utilization is warranted because of the growth in state expenditures and facility overcrowding.

Chapter I - Introduction

Expenditures are projected at \$945,000 for each of the fiscal years 1995-96 and 1996-97. Also, DFS licensing staff are concerned about overcrowding and probation and parole officers indicate additional long-term secure facilities are needed because facilities are always at or near capacity. During calendar year 1994, MBCC data reflects 1581 youth were held in secure detention and 274 in non-secure facilities.

JCD Use of Contracted Services

JCD now contracts for services in several major program areas; transporting and monitoring of youth, community activities for delinquent youth, and a proposed wilderness program. Transportation and youth monitoring services can be contracted for at the local level by the parole officers. Community-based services are provided through contracts monitored by county staff and parole officers. "Wilderness program" services for low-risk youths are being contracted for through the division central office.

There appears to be limited controls over these expenditures and inconsistencies in the procedures followed. Few details are available for these contracts. Although quarterly reports are required for some contracts, not all programs are submitting the required data. Contract monitoring and defined program procedures for staff are nonexistent. Interviews with field staff and central office staff indicated confusion over payment procedures, expected program outcomes, and documentation requirements. Since this is an area the division plans to expand, development of controls will be critical.

Juvenile Justice Legislation Passed by 1995 Legislature

The following is a summary of the significant juvenile justice-related legislation passed by the 1995 Legislature.

Senate Bill 26 (Chapter 8)

An act allowing the MBCC to award a grant for youth detention services to an eligible county in which transfer of youth court cases to the adult system has placed considerable financial strain on a county's resources. The grants will fund up to 75 percent of actual costs of secure detention of youth awaiting transfer.

House Bill 150 (Chapter 403)

An act clarifying composition and duties of the Youth Placement Committees; requiring a YPC to make recommendations for

Chapter I - Introduction

placement of a youth prior to commitment to DFS and providing various amendments to the Youth Court Act.

House Bill 240 (Chapter 436)

An act establishing a juvenile justice and juvenile mental health commission to conduct a comprehensive review and assessment of the juvenile justice system and juvenile mental health system prior to the 1997 Legislative session.

House Bill 380 (Chapter 438)

An act establishing extended jurisdiction prosecution which allows a youth court to impose an adult criminal sentence that is stayed on certain conditions; a youth court judge may sentence a youth to a state youth correctional facility; a youth court judge may retain jurisdiction in certain dispositions; and provide for transfer of a youth court case to district court and disposition in youth court.

House Bill 429 (Chapter 466)

An act generally revising youth court confidentiality provisions.

House Bill 474 (Chapter 205)

An act providing for juvenile probation officer training. The Department of Justice may conduct a 40-hour juvenile probation officer basic training program and other training programs for probation officers. This program or other programs may be offered by other agencies or private entities, if approved by the MBCC. If funding is available, the Department of Justice shall conduct the 40-hour course annually.

House Bill 540 (Chapter 528)

An act generally revising the Montana Youth Court Act.

Tobacco, Alcohol, and Curfew

There was also legislation passed regarding curfew violations and the possession of tobacco products and alcohol.

Chapter II - Recommendation Status

Introduction

This chapter examines the status of each recommendation made in our initial report. Discussion of each recommendation is organized as follows:

1. Audit area.
2. Recommendation.
3. Initial agency response.
4. Present implementation status.

Youth Court Operations

Juvenile Probation Officer Training

Recommendation #1

We recommend the legislature:

- A. Provide statutory authority to administer a juvenile probation officer training program which includes approval of curriculum and classes to either the MBCC or the Supreme Court.
- B. Amend the Youth Court Act to include a requirement for juvenile probation officers to attend certified training.

Initial Agency Response

Recommendation #1 is appropriately made and perhaps ought to simply specify the Board of Crime Control rather than offering a choice of agency or branch of government. The Peace Officer Standards and Training (POST) Council of the Board already performs these functions for law enforcement. Given statutory authority it would not be difficult to encompass the juvenile probation officers. A standardized and potentially acceptable curriculum is available from the national College for Juvenile and Family Court Judges.

Chapter II - Recommendation Status

Present Implementation Status

This recommendation is implemented. House Bill 474, approved by the 1995 Legislature, provides for 40 hours of probation officer training. The training course has been developed and is being offered through the Montana Law Enforcement Academy. Two classes were conducted in June and October 1994 based upon a 40-hour training curriculum. According to MBCC staff, over 80 probation officers attended the initial courses. Additional training courses are being offered in the future to ensure on-going professional updates.

Parental Contribution Procedures

Recommendation #2

We recommend the Supreme Court and DFS establish parental contribution procedures to insure youth court compliance with the law requiring documented consideration of parental contributions.

Initial Agency Response

Partially concur. The Supreme Court would entertain a proposal from DFS in unison with the youth courts on procedural rules for parental contribution to enhance existing law. The Supreme Court does not have staff to draft rules nor has the Court in the past drafted procedure rules for their own review. The drafting of procedures to be adopted by the Supreme Court needs to start in the area where day to day activities occur.

DFS did not respond to this recommendation.

Present Implementation Status

This recommendation is not implemented. Neither the Supreme Court nor DFS pursued this recommendation. According to the Youth Court Act, courts are required to examine a parent's or guardian's financial ability to contribute toward the costs for care, commitment, and treatment of a youth committed to DFS. A sample of probation officers indicated little effort is expended on determination of parental contribution because of the complexity of the process. Due to lack of data compiled by DFS, we were

Chapter II - Recommendation Status

unable to determine the extent of potential parental contributions for youth, placed under the supervision of DFS which could or should be collected. Without this data, the division is limited in its ability to plan or project activity (dollar amounts collected) for this area. DFS and the youth courts still need to establish rules and procedures which will assure statutory compliance with parental contribution requirements.

Youth Court Management Information System

Recommendation #3

We recommend the Supreme Court in unison with the youth courts work towards a management information system which includes data on youth court programs.

Initial Agency Response

The Supreme Court has embarked on statewide automation of court functions. Due to limited funding provided by the legislature only 33 district courts have been automated. As funding will allow, the functions of the courts will be automated. The Supreme Court is committed to automation and using this automation for management information.

Present Implementation Status

This recommendation is not implemented. Comprehensive management information on youth court programs is not available from any source. Some youth court probation offices generate individual management information (crime trend analysis, intervention steps, and placement/treatment). They create their own data because this information is not compiled on a statewide basis and made available to youth court probation officers. Probation offices provide some of the same data to the MBCC Juvenile Probation Information System (JPIS), but JPIS data is not used by probation offices because it can be unreliable and provides limited details. MBCC staff indicated the JPIS format and content information was provided to DFS for incorporation into the new Child and Adult Protective Services (CAPS) system, but the juvenile portion of CAPS is not scheduled to begin until calendar year 1997. At this point, there is no data available to measure or track local youth

Chapter II - Recommendation Status

court program successes or outcomes. This type of historic information would be useful for the YJC in evaluating and determining program policy decisions.

Juvenile Corrections Division

Juvenile Corrections Division Management Controls

Recommendation #4

We recommend the Juvenile Corrections Division emphasize development and implementation of management controls.

Initial Agency Response

The department agrees with this recommendation. DFS is currently reviewing total organizational structure of the department to strengthen management controls. Consideration is being given to enhancing these controls through closer affiliation with DFS regional personnel. A July, 1993 target date is anticipated for completion of this task. Quality assurance is built into the JCD work plan to provide a means of measuring impact.

Present Implementation Status

This recommendation is not implemented. Lack of controls noted during the original audit still exist:

- Treatment outcomes are not measured.
- No management reports to track program activity.
- Performance appraisals not completed for staff.
- No assurance of procedural consistency or policy compliance.
- No formal training policy or finalized training plan.

However, some initial steps were taken. The division established quarterly meetings with parole officers to improve communication and coordination, but key correctional facility and transition center supervisors are not regularly involved. As noted in the implementation status of recommendations #8, 10, 11, 17, 18, and 19, draft division policy and procedures documents have not been reviewed, approved and distributed by division management and legal staff.

Chapter II - Recommendation Status

Staff continue to operate independently and inconsistencies result. As noted on page 4, the division management team has not taken an active role in addressing our original audit concerns. As a result, management controls have not been emphasized.

Youth Transportation Management

Recommendation #5

We recommend the Juvenile Corrections Division:

- A. Require collection of youth transportation management information from the juvenile correctional facilities and juvenile parole officers.
- B. Evaluate current transportation operations to determine the most effective method of transportation of youth in the custody of the Department of Family Services.

Initial Agency Response

The department agrees with this recommendation. Current division staff of lower grades are being considered to provide the majority of youth transportation. Consideration is also being given to contracting for this service. This is an area which will be built into the division work plan.

Present Implementation Status

Part A of this recommendation is partially implemented. The intent of Part A of this recommendation was to collect youth transportation data to determine the most effective method of transporting juveniles. Although the division did not collect data prior to revising transportation operations, monthly data is now compiled to record the number of juveniles transported, miles traveled, and trip activity relating to transportation to and from PHS. The data is not complete. It does not include other parole transportation requirements such as for detention or transition centers. Division management is also not utilizing available data to make informed management decisions. With the proposed changes at MVS, the need for data analysis and transportation changes will continue to be important. To complete implementation of this

Chapter II - Recommendation Status

recommendation, the division should compile transportation information from all operations.

Part B of this recommendation is partially implemented. We were unable to verify any management analysis of transportation details or on-going monitoring to react to trends or address needed changes. However, JCD dedicated a .5 FTE position to establish a formal method of juvenile transportation. Interviews with correctional facility staff and parole officers indicated the process has improved. JCD has also authorized parole officers to establish contracts to transport juveniles when transportation cannot be arranged through the division representative. During the original audit, we were concerned about use of PHS and MVS treatment staff and parole officers to transport youth, because it detracted from primary duties. JCD's revised approach to transportation of juveniles appears to reduce this concern. Evaluating transportation data will continue to be critical with the new program development and changing transportation needs at MVS. To completely address this recommendation, the division should develop a methodology to evaluate transportation operations.

Use of Youth Placement Committees

Recommendation #6

We recommend the Department of Family Services fully comply with Youth Placement Committee statutes or seek legislation to eliminate or modify the function.

Initial Agency Response

The department agrees with this recommendation and will consider seeking legislation to eliminate the functions. Other means of "gate-keeping" are being tested to insure that required information is being considered for placement decisions prior to youth court. A target date of October 1993 has been established to accomplish this experiment.

Present Implementation Status

This recommendation is partially implemented. During the original audit, there was noncompliance with the statute requiring

Chapter II - Recommendation Status

YPCs to review and recommend youth placements prior to a youth's referral or commitment to DFS. House Bill 150, passed by the 1995 Legislature, requires YPCs to meet prior to a department commitment to recommend alternative placements to the youth court. Due to the timing of this legislation, we were unable to determine the impact of these changes or assess overall program compliance. A sample of case files at PHS contained YPC referral documentation including referrals from communities which were not using the committee during the original audit. However, a number of PHS files did not include a YPC referral, indicating noncompliance is still a problem. To address this recommendation, the department should assure compliance with the new statutes.

Interstate Compact on Juveniles

Recommendation #7

We recommend DFS improve the Interstate Compact on Juveniles (ICJ) administration by:

- A. Requesting the Governor designate an ICJ administrator.
- B. Developing/distributing procedures and conducting training on compact operations.

Initial Agency Response

The department agrees the time required to process incoming and outgoing ICJ requests draws heavily from supervisory duties assigned to the staff person currently providing the service. Efficient and effective administration of the compact, and the enforcement of statutory requirements should be done through a position that has an administrative status recognized by the compact.

Methods and materials for training of compact participants have been developed and will be presented to the national training committee for approval in August 1993. Training to state designee ICJ contact personnel will occur shortly thereafter.

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Present Implementation Status

Part A of this recommendation is implemented. The Governor has designated an ICJ administrator within JCD.

Part B of this recommendation is implemented. The department ICJ administrator acquired and distributed nationally accepted ICJ training materials to parole officers. ICJ discussion was also included in the initial probation officer training course presented at the Montana Law Enforcement Academy. File reviews at PHS reflected ICJ documentation supporting youth placement outside of Montana. Probation and parole officers indicate timing and coordination with other states are still a concern, but communication has improved.

Court-Ordered Restitution

Recommendation #8

We recommend the division establish formal policies and procedures for collection of court-ordered restitution.

Initial Agency Response

The department agrees the area of restitution procedures needs immediate attention. Adequate response to the issue may require legislation to insure court-ordered demands are reasonable and the sanction is consistent throughout the state. Monitoring restitution payments is being considered as an area to include on the management information system planning.

Present Implementation Status

This recommendation is not implemented. The division distributed a memo to parole officers describing considerations for monitoring and collecting court-ordered restitution. JCD also directed parole officers to include restitution requirements in aftercare agreements. However, the division has not established either policy or formal procedures for restitution collection or tracking. As a result, pursuit of restitution by parole officers following release from PHS appears to be inconsistent and limited to isolated cases. Some parole officers pursue restitution, others indicated restitution is not an area they address because it is a

Chapter II - Recommendation Status

waste of their time. Formal division procedures to ensure consistency of restitution collection and compliance with court-ordered requirements are still needed.

Employee Background Investigations

Recommendation #9

We recommend the Juvenile Corrections Division establish consistent policy and procedures requiring a comprehensive background investigation of all new employees.

Initial Agency Response

The department agrees with this recommendation and a standardized policy regarding background checks will be developed as other policies are being reviewed and modified. October 1993 has been established as the target date for policy review, development, and modification completion.

Present Implementation Status

This recommendation is not implemented. No formal policy or procedures have been established as of April 1995. Neither background investigations nor fingerprint checks were conducted on all new employees. Comprehensive policy and procedures for accomplishing employee background investigations should be developed and implemented by the division as soon as possible.

Chapter II - Recommendation Status

Juvenile Correctional Facilities

Treatment Plan Development

Recommendation #10

We recommend the Juvenile Corrections Division:

- A. Establish policy on treatment plan development.
- B. Evaluate the effectiveness of individual youth treatment plans.

Initial Agency Response

The department agrees with this recommendation. Accompanying the need for treatment plan policy development is the demand to enhance the whole area of quality assurance. This area will be included in the division work plan for all areas of division involvement.

Present Implementation Status

Part A of this recommendation is being implemented. During our original audit work, we were unable to identify treatment goals and objectives that were monitored and measured as youth moved through the juvenile justice structure. For example, treatment plans developed at PHS would not follow the youth through assignment to a transition center or applicable parole officer. PHS has now established procedures outlining individual treatment plan development and case review requirements. JCD also prepared draft procedures for parole officers to address treatment follow-up. The draft procedures require file review and identification of possible placements to continue treatment. The division should formalize policy for the development of treatment plans.

Part B of this recommendation is partially implemented. During the original audit, lack of overall documentation and evaluation of treatment activities made it difficult to determine or verify an individual's treatment progress, as well as ascertain

Chapter II - Recommendation Status

overall measures of treatment effectiveness. The follow-up findings suggest individual progress reviews to evaluate the effectiveness of treatment plans are now conducted by PHS, the transition centers, and the parole officers.

However, none of the above-noted entities nor JCD Central Office personnel conduct formal overall assessments of the entities' treatment program success. The American Corrections Association recommends routine assessment of the collective needs of all juveniles to assure appropriate availability of programs. To fully implement the audit recommendation, the JCD should do as indicated in its initial response and develop a formal method of quality assurance which measures treatment program effectiveness.

Criteria for Release from Youth Correctional Facilities

Recommendation #11

We recommend the division establish criteria and subsequent documentation requirements for release of youth from correctional facilities.

Initial Agency Response

Although facility population will continue to be the driving factor impacting length of stay for incarcerated youth, the department recognizes a need for insuring equity in making the placement determination. A projected release should be included in the initial treatment plan with required tasks to perform in order to qualify for release on that date. This task will be built into the division work plan.

Present Implementation Status

This recommendation is partially implemented. PHS release procedures state youth release criteria will be outlined in the individual treatment plan developed at the correctional facility. JCD also prepared draft pre-release procedures for a department policy manual. These procedures address review of file materials and potential placements prior to release from the facility. Both procedural documents reflect criteria for handling release due to overcrowding. In addition, PHS files reflected staff are following

Chapter II - Recommendation Status

prescribed documentation guidelines. Although the guidelines are not formally adopted by the department, PHS staff and parole officers are resolving procedural issues. The division should finalize, approve, and distribute release procedures to all staff.

Case File Documentation

Recommendation #12

We recommend the division develop and implement standards for case file documentation.

Initial Agency Response

The department agrees with this recommendation and is in the process of establishing standards for file maintenance using American Correctional Association standards as a guideline.

Present Implementation Status

This recommendation is partially implemented. PHS has established a case file documentation policy but this policy has not been formally approved or adopted by JCD management and legal staff. Our PHS file review disclosed consistency in treatment plans, case progress reviews, release documentation, and correspondence with parole officers. PHS files also reflected use of the Montana Placement Guide used for youth risk assessment and the Strategy for Juvenile Supervision interview. Regular supervisory reviews of files are conducted. The division still needs to formally adopt a case file documentation policy.

Chapter II - Recommendation Status

Timely Submission of School Records

Recommendation #13

We recommend the division identify and work with youth courts and school districts to assure timely school records submittal.

Initial Agency Response

The department agrees with this recommendation. The Office of Public Instruction (OPI) has offered their support and provided direction to accomplish.

Present Implementation Status

This recommendation is implemented. Review of PHS files revealed consistent receipt of school records and school staff indicated records receipt problems have diminished. JCD also established procedures to involve parole officers earlier in the commitment process which allows these officers to assist with receipt of school records.

Analyze Youth Education Needs

Recommendation #14

We recommend the division:

- A. Conduct an educational program analysis and compile data on individual and overall student population needs at both youth correctional facilities.
- B. Determine if education programs meet student needs.

Initial Agency Response

The department agrees with this recommendation. Division reform is going to require major emphasis on gathering management information at all levels of programming.

Chapter II - Recommendation Status

Present Implementation Status

Part A of this recommendation is not implemented. In our original audit report, we recommended DFS formally analyze education programs by establishing the elements of a management information system, before making changes to existing programs. The division did not analyze individual and overall student needs to evaluate student performance at PHS prior to converting to a 12-month education program. Staff indicated other states' correctional facilities promoted 12-month education programs for juvenile treatment. As a result, PHS scheduled a 12-month educational program to begin July 1995. While the revised program provides year-round activity, JCD still needs to develop a system to compile data on individual and overall student outcomes to assess all education programs managed by the division.

Part B of this recommendation is implemented. Despite the lack of analysis, PHS did change the education curriculum to implement an academic/technology program designed for youth unlikely to graduate from high school. The program provides awareness and knowledge of: hydraulics, mechanical mechanisms, pneumatics, lasers, robotics, electronics, and computer-aided design.

Industries Training Program

Recommendation #15

We recommend the division:

- A. Assess the training and rehabilitation value of the existing PHS industries program and determine future need.
- B. If a need exists for an industries program, active management should be provided and comprehensive management controls developed.

Initial Agency Response

The division is currently examining the overall academic and vocational programming at the secure-care facilities. New legislation opens the door to develop and implement an alternative school approach placing the emphasis on fitting delivery to relevant

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student needs. The industries concept would be included in this activity.

Present Implementation Status

Part A of this recommendation is partially implemented.

According to PHS staff, the short length of stay of youth at PHS limits their ability to offer traditional vocational training programs such as wood working, welding, and automobile repair. Staff also indicated contraband and youth safety were constant problems. To address these concerns, PHS eliminated those activities. PHS has retained its drafting program and is adding a horticulture program. Although this area is not yet formalized, PHS plans to initially limit activities to 10-12 youth. Facility staff are also evaluating the possibility of including a graphic arts program. While these program changes were apparently based on alternative cost comparisons, the division did not assess how these changes are more beneficial to students' needs. The division still has no formal process to determine future student needs.

Part B of this recommendation is partially implemented. The division has not yet established controls including treatment goals and objectives or management information which will allow for routine assessment of the new vocational training activities. Although PHS intends to hire a qualified vocational training instructor for the new programs, no other management structure or controls were outlined for the industry program changes. As noted earlier, past programs have created contraband and security problems. To ensure new programs and changes address these concerns, the division should establish formal management controls.

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Mountain View Security Requirements

Recommendation #16

We recommend the division re-examine current and future security requirements at MVS.

Initial Agency Response

The division has included in its work plan a major downsizing at the Mountain View Facility with function modifications. All staffing patterns are being examined to insure adequate coverage in all areas of facility activity.

Present Implementation Status

This recommendation was not audited during this follow-up.

Juvenile Aftercare

Detention Criteria for Youth on Parole

Recommendation #17

We recommend the division establish specific, formal criteria for use of detention by juvenile parole officers.

Initial Agency Response

The department agrees with this recommendation. Training has already been established regarding legitimate utilization of detention centers.

Present Implementation Status

This recommendation is partially implemented. Although review of MBCC data indicates 71 parole youth were held in detention during calendar year 1994, JCD does not actively ensure appropriate use of detention. The draft division policy manual for parole

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officers includes a section on detention of youth. Drafted procedures specify a youth may not be detained unless detention is necessary for protection of youth, property, or others, or the youth is likely to flee. Compliance with the Youth Court Act and ARMs regarding youth detention and hearings is required. In addition, the division has provided parole officers with internal memorandums explaining issues such as using adult jails. Although parole officers also indicated youth detention criteria and use of facilities has been discussed at quarterly JCD supervisor meetings, there has been no division review of detention usage to assure compliance with the draft procedures.

Revocation Policy is Needed

Recommendation #18

We recommend the division establish specific policy for returning youth to correctional facilities.

Initial Agency Response

Technical violations create the most difficulty in standardizing revocation procedures. The division intends to identify/develop an array of sanctions to utilize at the community level for these types of actions. It is proposed that any youth involved in committing (felony) offenses be considered for placement at the correctional facility at the discretion of the youth court.

Present Implementation Status

This recommendation is partially implemented. The division has not adopted a formal policy in this area. The draft policy addresses the general process for staff to follow for investigating, evaluating, and processing youth accused of parole violations. Another JCD memo outlines consistent parole revocation procedures. This memo includes a point assessment guideline to be used by parole officers to determine the appropriate sanction for a youth violating a parole agreement. Point assignment is based on seriousness of current offense, past offenses, and number of violations. Parole officers and correctional facility staff indicated some inconsistency in application of this revocation criteria, but generally youth returns are for legitimate reasons. Review of PHS

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revocation data indicates the average number of youths returned to PHS in 1994 was 4.8 per month, approximately the same as during our original audit (4.5).

Discharge Evaluation Policy is Needed

Recommendation #19

We recommend the division establish youth discharge evaluation policies.

Initial Agency Response

The department agrees with this recommendation. Historical discharge recommendations do not seem to be appropriate for all youth.

Present Implementation Status

This recommendation is partially implemented. While formal policy has not been adopted, draft policy includes guidelines to use when considering discharge. Discharge prior to age 18 is an option if the youth has not violated parole conditions for at least one year, the youth has a designated parent or guardian, and offenses were not committed against persons. The department director or a designated representative is required to approve all discharges. JCD parole and youth court probation officers indicated discharges are still not considered on a formal evaluation schedule, but on a case by case basis influenced by the interest of individual parole officers.

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Transition Center Mission

Recommendation #20

We recommend the division:

- A. Establish a formal mission for youth transition centers.
- B. Evaluate the level and types of treatment required.
- C. Require transition centers to increase communication and coordination with correctional facilities and parole officers regarding treatment and transition success.

Initial Agency Response

The department agrees. July 1993 has been established as the target date for resident profile decisions. Consideration is also being given to operating day-treatment programs in concert with residential services.

Present Implementation Status

Part A of this recommendation is not implemented. There are no formally adopted mission statements for the transition centers. JCD management has not established a clear role for these centers. As a result, it is difficult to determine what the actual purpose is for the transition centers or to determine if the centers are achieving their purpose. Establishment of a mission statement consistent with the actual usage of the centers is needed to implement management controls and administer uniform delivery of services.

Part B of this recommendation is not implemented. JCD has not compiled any data to evaluate treatment programs at the transition centers. Placements in the transition centers are based more on the availability of beds rather than types of treatment available. Without management information on the programs, JCD cannot evaluate treatment needs, program outcomes or consistency between the centers. The JCD still needs to compile outcome data to evaluate the level and types of treatment to be provided, and overall value of the transition centers.

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Part C of this recommendation is being implemented. Both centers' managers and supervisors concurred communication and coordination has improved with the correctional facilities and parole officers. The centers receive case plans from PHS and talk with PHS counselors prior to the youth's arrival. Youth progress is periodically discussed with the parole officer and center supervisor after initial placement at the center.

Transition Center Management Controls

Recommendation #21

We recommend the division:

- A. Establish additional management controls to assure consistent delivery of services at the transition centers.
- B. Determine what type of transition center management is needed to implement management controls and administer delivery of services.

Initial Agency Response

There was no agency response to this recommendation.

Present Implementation Status

Part A of this recommendation is not implemented. During our original audit work, we identified several deficiencies in the management controls at the centers including limited formal policies and procedures, no management information on program activities, and limited training of program staff. Managers were devoting limited time to these areas. Although transition center staff are spending more time managing transition centers, several examples of inconsistent management controls still exist. The centers have different policies and procedures for escape procedures, level requirements, and progress reviews. No management information is compiled on program outcomes to evaluate overall treatment program needs, utilization, or success. Staff evaluations have not been completed at either center. As noted in our original report, JCD should establish management controls to ensure consistent delivery of services.

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Part B of this recommendation is partially implemented. Parole and transition center staff have indicated communication and coordination have improved. Steps have been taken to ensure on-going input from the supervising parole officer at each center. Concerns continue due to the lack of division management oversight. As a result, program inconsistencies continue.

Miscellaneous Issue

Juvenile Probation Information System

Recommendation #22

We recommend the Montana Board of Crime Control (MBCC):

- A. Seek legislation requiring youth court and DFS participation in the JPIS.
- B. Increase emphasis on JPIS user training and report development.

Initial Agency Response

Concur with recommendation #22. It has basically been attained. The JPIS information system has been rewritten and placed, at this writing, in 20 of 21 youth courts. The 21st, is cooperating with MBCC to either develop bridges to JPIS to assure data is transferred or to use directly JPIS itself. Increased user training has already been undertaken. A phone survey of juvenile probation offices is underway to determine which reports from the data base will be most useful to local offices. These will be incorporated into on-going updates to the JPIS program. As DFS develops its management information system, "hooks" between JPIS and the DFS system are needed. If legislation is truly needed to assure compliance in reporting it will be sought in the next regular session.

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Present Implementation Status

Part A of this recommendation is implemented. The MBCC adopted ARMs requiring youth court districts to use JPIS or lose access to funds distributed by the MBCC.

Present Implementation Status

Part B of this recommendation is partially implemented. MBCC staff and a sample of probation officers indicated JPIS training has been provided and additional training is available upon request. MBCC staff also indicate all counties/districts are currently involved in JPIS, although one county is still using different computer software. This county relies on its own data because JPIS data is considered unreliable and compatibility remains a problem. Other probation officers also indicated they still compile their own information to ensure useable and accurate management information. To fully implement this recommendation, MBCC should ensure reports developed from JPIS data are reliable, accurate and useful.

Conclusion

Juvenile Justice System Administration

Recommendation #23

We recommend the Governor implement necessary changes to bring about more effective administration of Montana's juvenile justice system.

Initial Response Summary

Governor indicated improved coordination and communication can be accomplished through existing structures. He directed the Youth Justice Council to advise the various involved agencies on policy matters and to provide regular status reports to his office on the implementation of the audit recommendations.

Present Implementation Status

This recommendation is being implemented. Initial steps were taken to develop a more unified juvenile justice system. The

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Youth Justice Council was directed by the Governor to become more active in the decisions and coordination issues of the structure. Members of this council visited correctional facilities, reviewed proposed program changes, and reviewed data from private studies of juvenile justice programs. Several legislative and department proposals will also impact the current juvenile justice system. All involved entities need to continue to work together through the YJC to strengthen the juvenile justice system and coordinate program changes. YJC can take a stronger role in program coordination and development by requesting better information on program outcomes and proposed changes.

Agency Response

OFFICE OF THE GOVERNOR
STATE OF MONTANA

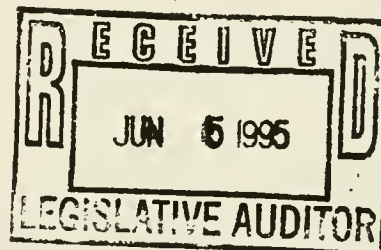
MARC RACICOT
GOVERNOR



STATE CAPITOL
HELENA, MONTANA 59620-0801

June 5, 1995

Scott Seacat
Legislative Auditor
P.O. Box 201705
Helena MT 59620



Dear Scott:

Thank you for the June 1995 Performance Audit Follow-up on the Juvenile Justice System in Montana. While we appreciate the work done by your staff and acknowledge the endeavors put forth in the report, we do have some concerns.

The audit fails to acknowledge the progress and many efforts the Juvenile Corrections Division has made over a very short period of time, in reshaping and directing the total juvenile justice system in the state. The critical tone of the report doesn't acknowledge the collaborative efforts made with the youth courts, judges, institutions, parole, staff training, and community intervention programs. Assessment techniques are being implemented through community youth placement committees to identify a variety of intervention resources needed by youth at risk.

Juvenile Justice experts from around the United States are carefully watching Montana as we make system adjustments. The State of New Mexico recently adopted a placement guideline that was developed by Montana juvenile justice officials. The American Correctional Association recently reported that the Pine Hills School in Miles City was "significantly further ahead than other states seeking formal accreditation." A recent visit by the Executive Director of the Center for the Study of Youth Policy indicated that the Center is interested in "show-casing" Montana's juvenile justice system by planning a National conference in our state in October inviting approximately nine other states. Acceptance of the restorative justice philosophy by all system components and adoption of a standardized classification instrument suggest that Montana is, in fact, making meaningful headway.

While this philosophical shift is taking some time, progress is being made at the community level where case planning is being implemented toward rehabilitative and disciplinary focused programs. During this period of systems reform, we would

Scott Seacat
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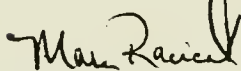
appreciate your efforts in concentrating with us, on how the bigger picture will look and how efforts are being implemented to better serve the youth in Montana.

Montana is intent upon managing its resources, programs, and other government activities in a fiscally responsive manner, providing effective service to its citizens with ever-shrinking staff and budgets. This tests the abilities of all public servants, as I know you are aware.

Without question much work is ahead for all involved in Montana Juvenile Justice activity. We must recognize that budgets are tight and employees assigned to planning efforts are limited. Those assigned to juvenile justice work are overwhelmed with the demand of responding to juveniles in the system. New legislation, re-organization, a shift in public desire, and an increase in social unrest all challenge the key decision makers assigned to juvenile justice tasks.

Thank you for allowing me the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc Racicot", written in a cursive style.

MARC RACICOT
Governor

cc: Hank Hudson

STATE OF MONTANA
DEPARTMENT OF JUSTICE
BOARD OF CRIME CONTROL

303 North Roberts - PO Box 201408 - Helena, MT 59620-1408

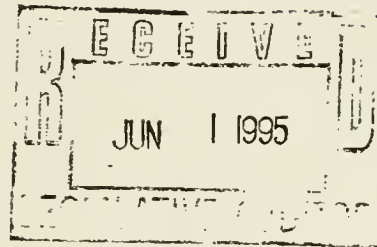
Joseph P. Mazurek
Attorney General



Phone (406) 444-3604
FAX (406) 444-4722

May 31, 1995

Mr. Mike Wingard
Performance Audit Manager
Office of the Legislative Auditor
State Capitol Building
PO Box 201705
Helena, MT 59620-1705



Dear Mr. Wingard:

I have reviewed the draft report on the performance audit follow-up of Juvenile Justice in Montana forwarded by your office. Juvenile Justice Specialist for the Board of Crime Control, Candy Wimmer, has reviewed this draft as well.

After reading through the draft, we concur with the findings of your report, and find it to be accurate and comprehensive, therefore we offer no comments.

Thank you for allowing us the chance to review the report.

Sincerely,

A handwritten signature in cursive script that reads "Ellis E. Kiser".

Ellis E. Kiser
Executive Director

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Introduction

The Legislative Audit Committee requested a performance audit of the Montana juvenile justice system. We examined the involvement of the judicial district youth courts, the Department of Family Services (DFS) Juvenile Corrections Division (JCD), including Mountain View School (MVS) and Pine Hills School (PHS), juvenile transition centers, and juvenile parole, and the role of the Montana Board of Crime Control (MBCC).

Audit objectives included identification and evaluation of activities, such as youth court probation, youth detention, and DFS juvenile corrections and parole functions. Currently, Montana has a juvenile justice structure which is composed of interrelated, but independent entities. Due to lack of formalized, overall administrative oversight, the various entities have evolved with little regard for the needs of the system as a whole. The deficiencies noted throughout this report have affected the entire structure. As a result, over the past several years there has been a growing polarization between the entities.

Our audit recommends changes in each of the entities' activities, as well as in future planning and administration of juvenile justice in Montana. The following sections summarize the results of our performance audit.

Youth Court Activities

The Youth Courts in Montana were created in the 1940s as a part of each judicial district. Youth court judges appoint a chief probation officer and deputy officers as required. A combination of local (county/district) and DFS funding provides for youth intervention and diversion resources for youth treatment and/or placement by the youth courts.

Our findings suggest the youth courts make an active effort to divert youth from further involvement with the juvenile justice system. However, there are substantial differences across the state regarding probation officer training, collection of management information used to determine program activity and effectiveness,

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and youth court examination of parental contribution toward youth placement/treatment.

Probation Officer Training Needs to be Standardized and Monitored

Our review of probation operations noted that probation officers in many judicial districts are not receiving statutorily-required training. This has contributed to significant variation in the administration of youth intervention, treatment and diversion programs. Youths are not treated consistently and programs such as victim compensation vary based on how the program is administered. A uniform training curriculum for probation officers could promote consistency of youth court activities statewide. Developing a training curriculum and requiring attendance at certified training could increase probation officer awareness of successful youth diversion alternatives and promote consistency in youth court activities. (Recommendation #1)

Examination of Parental Contributions for Youth Care should be Emphasized

The youth courts are statutorily required to examine a parent or guardian's financial ability to contribute toward the costs for care, commitment, and treatment of a youth committed to DFS. Based on our review of youth case files and interviews with youth court judges and probation officers, we noted such determinations are made infrequently. We recommend the Supreme Court and DFS establish parental contribution procedures to insure youth court compliance with the law requiring documented consideration of parental contributions. (Recommendation #2)

Youth Courts should Develop Management Information

We requested data on probation office activities such as number of youth referred, types of crimes committed, and success of programs. In most judicial districts we found the youth courts do not develop or compile such information. There is no comprehensive information on intervention, treatment, or diversion activities, nor is any internal evaluation of program effectiveness conducted. Without this information, youth courts cannot evaluate which programs are the most effective or whether more/less resources should be directed toward diversion and intervention efforts. We recommend the Supreme Court in unison with the youth courts work towards a management information system which includes data on youth court programs. (Recommendation #3)

Youth Detention Activities

The Montana Board of Crime Control (MBCC) and Youth Justice Council (YJC) are responsible for administering federal and state juvenile justice grants and the federal requirements regarding youth detention. State compliance monitoring of federal detention requirements are met through the use of the Juvenile Probation Information System (JPIS). The five regions authorized by the legislature submitted annual plans by July 1, 1992, and began receiving state Lottery funding for detention center operations. Since detention usage and budget information was only available for the first part of fiscal year 1992-93, we did not address the effectiveness of Montana's juvenile detention activities.

Juvenile Corrections Division Must Increase Management Emphasis

The JCD is responsible for management oversight of the two juvenile correctional facilities, parole officers and transition centers. Within the JCD, we identified areas of needed improvement involving management controls, Interstate Compact of Juveniles, court-ordered restitution, training, youth transportation, and Youth Placement Committees.

There is an overall lack of mission statements and goals for the division and its subordinate entities. This resulted in deficiencies regarding measurable objectives and outcomes, consistent policies and procedures, comprehensive management information, and records management throughout the division's operations. Other management control concerns related to administration of the Interstate Compact on Juveniles (the program used to transfer juvenile supervision between states), and recovery of court-ordered restitution by correctional facilities and parole officers. The division also lacked direction for administering training programs and conducting the transportation of juveniles to/from correctional facilities and for conducting staff background investigations.

Due to the lack of division goals and measurable objectives, comprehensive policies and procedures, and management information, it was difficult to determine the success of program outcomes and consistency of treatment activities. We believe there has been a lack of management emphasis on development of comprehensive management controls since the correctional facilities and parole were placed under DFS supervision. Our recommendations

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included increased JCD emphasis on management controls and establishment of comprehensive planning and evaluation procedures. (Recommendations #4, #5, #7, #8 and #9)

DFS Youth Placement Committees are not Used

During our review of juvenile justice-related activities at DFS, we also noted DFS personnel were not complying with the statutory requirement to have Youth Placement Committees review and recommend youth placements prior to a youth's referral or commitment to the department. Our findings during both this audit and prior audits of DFS suggest Youth Placement Committees have little or no value. We believe DFS should either fully comply with the related statutes, or seek legislation to eliminate or modify the Youth Placement Committee function. (Recommendation #6)

Juvenile Correctional Facilities Issues

The purpose of Mountain View School (MVS) and Pine Hills School (PHS) is to provide rehabilitation and treatment, rather than punishment for the youths committed to juvenile correctional facilities. During our audit work at MVS and PHS, we identified weaknesses in management controls, treatment-related activities, education programs, and security.

Management Controls

We found neither facility has measurable goals and objectives or complete policies and procedures. Further, we found limited collection of management information for both treatment and education programs, and no evaluation of operational effectiveness. In addition, we identified a lack of timely performance appraisals and available formal training plans. We made a variety of recommendations to JCD officials regarding the emphasis on the development of management controls to assure statutory compliance and to establish consistent operational guidelines.

Treatment-Related Activities Need Better Documentation

We reviewed 25 youth case files at each facility to identify documented treatment activities and the associated decision-making process. We noted files lacked required progress reports and there was disparity in the amount of detail included in counselor notes. We found the individual treatment plans, developed by the counselors identified needs and goals, but lacked documentation of methodology for achieving the goals or determining treatment effectiveness. As a result, it was difficult to determine case status, treatment decision-making, and facility release criteria. We

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recommend correctional facility officials develop standards for treatment plan development and case file documentation to ensure treatment consistency, as well as the ability to measure effectiveness. (Recommendations #10 and #12)

PHS/MVS officials base youth release decisions on length of commitment specified in court orders, placement opportunities, treatment status, and on-going behavior. However, our review of files indicated limited documentation of actual release criteria. Specifically, we could not determine if youths met goals identified in treatment plans or if officials were consistent and equitable in release decisions. We recommend DFS officials formalize release criteria and document release decisions to assure consistency and equity. (Recommendation #11)

Education Programs Need DFS Analysis

During examination of youth case files at the correctional facilities, we found over one-third of our sample lacked school records from the school previously attended. The Youth Court Act specifies youth committed to a correctional facility must be accompanied by school records. However, youths are routinely committed without the required records. When records are not received in a timely manner, there is a potential for duplication of testing and the possibility of inappropriate instruction. We recommend PHS/MVS officials determine and establish procedures to assure records availability in support of educational testing and treatment programs at the correctional facilities. (Recommendation #13)

Correctional facility officials also do not collect any comprehensive student academic or vocational information and do not assess student needs. In addition to lack of routine overall assessment of student needs, data is not compiled or analyzed regarding credits earned, types of classes taken, or number of youths graduating. There has been some consideration for changing from the current educational programming, which could include 12-month schooling and/or more vocational course work. Before these changes, we recommend DFS officials begin formal analysis of education programs by establishing the elements of a management information system and determining student educational needs. (Recommendation #14)

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In 1991, the PHS industries program was created to increase vocational training opportunities for the students. Since inception, program management has been assigned to personnel with a multitude of other responsibilities and consequently the program has had little active management. We recommend PHS officials assess the value of the industries program and, if a future need exists in conjunction with other treatment and education programs, then active administration should be provided. (Recommendation #15)

MVS Security May Need Expansion

Although PHS has full-time 24-hour security staff, MVS does not. With the addition of boys to MVS, the loss of available secure housing for girls, and the structural limitations (security-related) of the existing housing, effective staff coverage in the three cottages is a concern. We recommend MVS officials examine current and future staffing requirements to determine whether existing staff effectively address potential safety and security concerns. (Recommendation #16)

Juvenile Parole Issues

The JCD juvenile parole officers are responsible for the supervision of youths released from juvenile correctional facilities until formally discharged from DFS. The division has six full-time parole officers and three part-time officers to supervise youth on parole. Two of the full-time parole officers also supervise transition centers in Billings and Great Falls for youth on parole who cannot return to their families or other hometown placements. The purpose of the centers is to provide a "transitional bridge" between a correctional facility and community living by developing independent living skills while continuing necessary treatment. During our review of juvenile parole and transition centers, we identified concerns with management controls, detention, and parole violations.

Management Controls

The JCD exercises limited supervision of parole activities, including transition centers. We noted lack of goals and objectives, inconsistent policies and procedures, and noncompliance with performance appraisal requirements. Additionally, management information is not collected and there is no evaluation of program or treatment activities. We recommend JCD officials

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develop supervisory controls to assure compliance and operational consistency among the parole officers and transition centers.

Parole Officer Detention Usage

We determined parole officers have used regional juvenile detention facilities not only to hold youths until transported to a correctional facility, but also to punish youths not complying with parole conditions. The Youth Court Act specifies, however, the element of retribution should be removed from juvenile justice. We recommend JCD officials develop and distribute detention policy to parole officers as soon as possible. (Recommendation #17)

Return for Parole Violations Procedures Need Analysis

When juveniles violate parole conditions, the department can revoke parole and return the youth to a correctional facility. We noted the lack of policy for parole violation returns which addresses specific types of criminal activity or misbehavior warranting return. We also identified inconsistencies between parole officer use of the return for parole violation capability, including revocations for status offenses, such as school absenteeism. We recommend JCD officials evaluate the parole violation procedures and define criteria for assuring consistent return of youth to PHS and MVS. (Recommendation #18)

Discharge Criteria should be Examined

Youths released from PHS and MVS are on parole until the age specified in the commitment court order, usually age 18 or 19, regardless of the crimes committed or subsequent behavior. The department does not have procedures to routinely consider discharge from parole before they reach 18 or 19. As a result, youth remain on parole officer caseloads and are the responsibility of the state. JCD officials should establish policy and procedures to assure scheduled evaluations of youths' need to remain under DFS supervision and begin discharge procedures for those youth who no longer appear to need DFS supervision. (Recommendation #19)

Transition Center's Purpose and Programs Need Examination

We found considerable variation between the two transition centers' operations. We further noted limited independent living skills training programs and essentially no treatment programs, even though the correctional facility staff often recommended continued therapy and counseling. We recommend JCD officials analyze the training and treatment needs of youths assigned to the transition centers and establish programs consistent with overall treatment

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objectives developed at the correctional facilities. In addition, JCD officials should determine and compile management information to assess programmatic and staff effectiveness. (Recommendations #20 and 21)

Miscellaneous Issues

Federal/Advocacy Group Investigations

During calendar year 1992, PHS and MVS were inspected/reviewed by representatives from the U.S. Department of Justice. The investigations resulted from alleged violations of youths' constitutional rights and concerns about treatment. We reviewed the findings of both reports and conducted follow-up to assess the adequacy of PHS responses. The investigations pointed out concerns at both facilities with mental health services, discipline, environmental/structural concerns, and inadequate resources. We found the majority of the findings were valid. PHS officials responded to the investigation by closing structurally deficient lodges, increasing security personnel, repairing/modifying structures, and changing student-staff ratios and treatment philosophy. We determined the PHS effort generally resulted in compliance with the overall intent of the federal concerns. We accompanied the federal inspection team during their review of MVS and have reviewed their formal findings. Due to the timing of the report issuance, we were unable to evaluate the MVS response to the findings.

Also during 1992, representatives from various youth advocacy groups, including the Montana Legal Services Association made several visits to PHS to interview students and staff, review files, and make general observations about facility operations and conditions. As a result of their visits, they identified a number of areas where they believed improvements could be made. Their findings closely reflect what was identified by the federal investigation team. Based on our review, PHS officials have attempted to address the advocacy groups' concerns.

DFS Needs Juvenile Corrections Management Information

DFS does not presently have a management information system capable of addressing juvenile justice needs. The comprehensive system planned by the department, including juvenile justice, has

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undergone several budgeting and developmental changes since originally approved by the 1991 Legislature. Current plans indicate an operational system, developed primarily to verify compliance with federal medicaid requirements, will be available by July 1995. DFS cannot specify when juvenile corrections operational data will be included in the management information system. As a result, the department will continue to have difficulty gathering information to assess juvenile corrections operations.

Juvenile Probation Information System (JPIS) Reliability should be Increased

Federal requirements for youth detention compliance monitoring is met in Montana through use of the MBCC's JPIS data collection system. The MBCC required all judicial district youth courts to participate in JPIS as of July 1, 1992. Previously, participation was voluntary and the database (and subsequent annual Reports on Crime in Montana) reflected inaccurate juvenile justice statistics. While a variety of improvements have been initiated recently, reliability has not been assessed and the database does not include information on DFS use of youth detention. We recommend establishment of formal procedures to assure comprehensive statewide detention data. We also recommend the MBCC seek statutory authority for requiring youth court and DFS participation in JPIS data collection. (Recommendation #22)

Overall System Administration Needs Formal Direction and Planning

Our audit findings suggest a need for comprehensive management controls and management information throughout the juvenile justice system. Our specific recommendations are directed toward increasing system control by formalizing procedures among the individual components. Standardizing probation officer training curriculum, establishing measurable treatment goals and objectives at correctional facilities, and developing operational procedures for parole officers are all actions we believe will result in improvement in system control. We also believe establishing requirements for management information for assessing and evaluating system components and program operations will improve the quality of programs and consistency of juvenile justice in Montana. Finally, DFS should initiate a more formal, specific, and broad-based planning effort in regards to department-initiated system reforms. The formal plan would detail how the reforms will be implemented and funded, contingency options, and what criteria will be used to measure the reforms' impact/success.

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The juvenile justice system in Montana is in a state of transition. Reforms proposed by the department will impact the youth courts, and youth court acceptance or rejection of specific changes will affect local budgets, as well as detention centers, correctional facilities and parole officers. Montana does not have an administrative entity with authority to determine roles and assure a coordinated system. We believe the Governor is in the best position to establish the future role of DFS in juvenile justice, as well as help direct the system's overall future. Increased executive branch direction and support for juvenile justice will also help define what is needed to develop comprehensive management information which can then be used to measure the success of the juvenile justice system in the future. (Recommendation #23)

